



**FOR IMMEDIATE RELEASE:
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Subject: Landmark settlement agreement ratifies significant reforms for treatment of mentally ill incarcerated individuals at Montana State Prison

Montana State Prison will provide appropriate care, treatment, and housing to incarcerated individuals with severe mental illness.

Helena, MT - (March 16, 2022) Last Friday, the ACLU of Montana and Foley & Lardner LLP, on behalf of their client Disability Rights Montana (DRM), reached a settlement agreement with the Montana State Prison (MSP) and the Montana Department of Corrections (DOC), locking in significant reforms regarding how MSP houses and treats individuals with severe mental illness.

The settlement represents an important step forward in addressing the issues raised in DRM's complaint filed in the United States District Court for the District of Montana in 2015, including inadequate mental health services and the inhumane practice of punishing incarcerated individuals for behavior caused by their mental illness. Prior to the settlement, incarcerated people with mental illness were routinely subjected to extended periods of solitary confinement and "behavior modification plans" that deprived them of clothing, working toilets, bedding, and proper food. These conditions worsened the individuals' illness. Disability Rights Montana's complaint alleged, cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution. In the intervening years, thanks to the lawsuit and actions by the Montana Legislature, officials at DOC and MSP, the treatment, housing and care of incarcerated individuals with severe mental illness gradually began to improve. Nevertheless, during the course of litigation, at least 12 people with severe mental illness at MSP died by suicide.

"This settlement represents huge gains for the humane treatment of inmates with severe mental illness" said **Bernadette Franks-Ongoy, Executive Director of Disability Rights Montana**. "Inmates with severe mental illness will now be provided appropriate care, treatment, and housing not to mention access to mental health experts, and most importantly restrict the use of solitary confinement."

Disability Rights Montana is the federally mandated protection and advocacy system for Montana and has the authority to monitor and investigate MSP and other facilities where people with disabilities are served or reside. The settlement requires an independent monitor be appointed to ensure MSP and DOC comply with the settlement terms.

Among other terms, the settlement agreement requires every individual housed in the “Secure Adjustment Unit” (the housing unit where the majority of prisoners diagnosed with severe mental illness reside) is guaranteed a minimum of 4 hours out-of-cell time per day. It guarantees all mental health treatment will be provided by qualified mental health professionals. It mandates the elimination of behavior modification plans for incarcerated individuals with severe mental illness. And it replaces subhuman “safe cells” — which required persons with disabilities to use a hole in the floor as a toilet — with cells that must, at a minimum, have toilets, sinks, and platform beds. The agreement also makes clear these isolation cells are for limited emergency use only.

“While I am under no illusions that these reforms will be implemented overnight as a result of the settlement, I believe this represents a huge step forward,” said **Caitlin Borgmann, ACLU of Montana Executive Director**. “We still have a long way to go to reinstate the dignity of incarcerated individuals in Montana, but it can no longer be said that solitary confinement exists for mentally ill individuals at the Montana State Prison.”

[Link to Settlement](#)

***Disability Rights Montana (DRM)** is the federally mandated protection and advocacy system for Montana. DRM s and advocates for the human, legal, and civil rights of Montanans with disabilities while advancing dignity, equality, and self-determination. Learn more at disabilityrightsmt.org*

***The ACLU of Montana** is a non-partisan, non-profit organization dedicated to the preservation and enhancement of civil liberties and civil rights. The ACLU of Montana strives to advance civil liberties and civil rights through activities that include litigation, education and lobbying. Learn more at aclumontana.org*

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